

### REMARKS

Claims 19-21 are currently pending in the subject application and are presently under consideration. Claims 19-21 have been amended to remedy minor informalities. Additionally, claims 29-39 have been added herein. A listing of the claims can be found at pages 2-5 above.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 19-21 under 35 U.S.C. §102(e)**

Claims 19-21 stand rejected under 35 U.S.C. §102(e) over Callis, *et al.* (US 6,963,917, hereinafter Callis). It is respectfully requested that this rejection be withdrawn at least because Callis fails to disclose each and every feature as recited in claims 19-21.

By way of general background, the subject application relates to embedding capabilities of a network traffic analyzer (NTA) into a network interface of at least one network device. To these and other ends, claim 19 recites in part, “***activating respective monitoring components embedded into network interfaces of a plurality of devices of a network; . . . and allocating network traffic analysis tasks based at least in part on the available resources.***” Callis fails to disclose at least these features.

Callis describes a system for routing-based workload distribution between data processing systems communicating over a network. *See, e.g.*, col. 1, lines 17-20; col. 4, lines 41-55. A workload distributor examines requests for connections to target servers to determine if the requests contain a unique characteristic and the workload distributor distributes the requests for communication among a cluster of data processing systems based upon the unique characteristic. *See* col. 5, line 31 – col. 6, line 64; col. 7, lines 9-23. If the connection request does not have a unique characteristic, the request is distributed according to policies, for example, based upon an indication of processing capability utilization of the target server in the cluster of data processing servers and QoS information for the target servers. *See* col. 7, lines 44-47, 50-57.

Callis, however, fails to disclose at least ***activating respective monitoring components embedded into network interface of a plurality of devices of a network.*** While Callis generally describes a system for allocating network communication requests between various subsets of systems connected to the network, Callis only allocates requests for communication or activation

of applications on the various subsets of systems connected to the network. The subsets of the systems connected to the network do not have *monitoring components embedded into network interfaces* of the devices. Instead, these devices at most have applications that can engage in communications. Furthermore, Callis is silent with regard to *allocating network traffic analysis tasks*. Instead, Callis merely describes allocating a workload, and describes the workload to include communication (*e.g.*, of IP addresses) rather than network traffic analysis.

For at least the above reasons, Callis fails to disclose at least these features as described in claim 19. Accordingly, it is respectfully requested that this rejection be withdrawn and claim 19 allowed.

Similarly claim 20 recites in part, “*activating a monitoring component embedded into network interfaces of more than one device on a network; requesting resource utilization data from each activated monitoring component; . . . and allocating the network traffic analysis tasks to the device with the greatest available resources.*” For at least the reasons as described above with respect to claim 19, Callis fails to disclose at least these features as recited in claim 20. Therefore, it is respectfully requested that this rejection be withdrawn and claim 20 allowed.

Furthermore, claim 21 recites in part, “*activating a monitoring component embedded into network interfaces of more than one device on a network; . . . allocating a network traffic analysis debug task to the device with the greatest available resources; and allocating a network traffic analysis control task to the device with second greatest available resources.*” At least for the reasons as described above with respect to claim 19, Callis fails to disclose at least these features as recited in claim 21. Accordingly, it is respectfully requested that this rejection be withdrawn and claim 21 allowed.

At least for the above reasons, Callis fails to disclose each and every feature as recited in claims 19-21. Therefore, it is respectfully requested that this rejection be withdrawn and claims 19-21 allowed.

## **II. New Claims**

Claims 29-39 have been added herein. Each of claims 29-39 is in condition for allowance at least because the cited art of record fails to disclose, teach or suggest each and every feature as recited in claims 29-39. Therefore, it is respectfully requested that claims 29-39 be allowed.

**CONCLUSION**

The subject application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP296US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,  
TUROCY & WATSON, LLP

/Laura Marie Ulatowski/  
Laura Marie Ulatowski  
Reg. No. 63,646

TUROC & WATSON, LLP  
57<sup>TH</sup> Floor, Key Tower  
127 Public Square  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731